

## REMARKS

Claims 47-58 are pending in the present application and at issue.

The Advisory Action refused to enter the amendment because it raised new issues that would require further consideration and/or search with respect to the amendment of the claims to "mM mg enzyme" in claims 47 and 48. Applicants did not intend to amend the claims, but copied the claims from the prior amendment. Unfortunately, when copying the claims, the subject matter which was deleted in the prior amendment was also copied. The deleted subject matter is not presented in the list of claims presented in this amendment.

The Office maintained the rejection of claims 47-58 under 35 U.S.C. 103 as being unpatentable over Allen (U.S. Patent No. 5,389,369) taken with Winkler et al. (U.S. Patent No. 5,928,380) and Cantor et al. (U.S. Patent No. 3,539,520). This rejection is respectfully traversed.

Specifically, the Office stated that "There is no evidence of record to demonstrate unexpected effects at concentrations lower than 0.25 mM or higher than 50 mM." This is respectfully traversed.

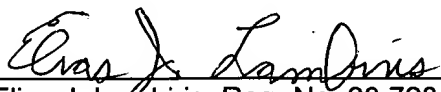
As mentioned in the prior response, in Example 3, Applicants have measured the antibacterial activity of a *Curvularia verruculosa* haloperoxidase using various ammonium halides. Specifically, approximately  $10^6$  cfu/ml of cells were incubated with the enzyme and salt for 15 minutes at 40°C. The results show at a concentration of 0.25 and 0.5 mM, the use of  $\text{NH}_4\text{I}$  and  $\text{NH}_4\text{Cl}$  resulted in a total kill of cells, and at a concentration of 8 mM, the use of  $\text{NH}_4\text{Br}$  resulted in a total kill of cells. One skilled in the art would expect that if a larger amount is used, a total kill of cells would be obtained. With respect to the lower concentration, the results show that the salt of  $\text{NH}_4^+$  obtains a larger kill of cells than other salts. Based on these results, one of ordinary skill in the art would expect that salts of  $\text{NH}_4^+$  would have a greater bactericidal activity than other tested salts, when tested in the same amount.

For the foregoing reasons, Applicants submit that the claims overcome this rejection under 35 U.S.C. 103. Applicants respectfully request reconsideration and withdrawal of the rejection.

In view of the above, it is respectfully submitted that all claims are in condition for allowance. Early action to that end is respectfully requested. The Examiner is hereby invited to contact the undersigned by telephone if there are any questions concerning this amendment or application.

Respectfully submitted,

Date: March 19, 2004

A handwritten signature in cursive script, reading "Elias J. Lambiris", is written over a horizontal line.

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